

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICKY GARRETT,

Plaintiff,

v.

Case No. 2:08-cv-14081

Judge: MARIANNE O. BATTANI

Mag. Judge: MICHAEL J. HLUCHANIUK

CITY OF ST. CLAIR SHORES;
City of St. Clair Shores Police Officer,
SERGEANT DAVID CHAVIS; City of
St. Clair Shores Police Officer, DETECTIVE
THOMAS HANNON; JEFFREY WALLACE;
and SPECIAL AGENT MICHAEL SURATT,
Jointly and Severally,

Defendants.

ORDER REFLECTING SUBSTITUTION
OF THE UNITED STATES OF AMERICA
AS A DEFENDANT IN COUNT I OF THE FIRST AMENDED COMPLAINT

The Court having been informed that the Attorney General's designee has certified that defendant Michael Suratt was acting within the scope of his employment as an employee of the United States at the time of the incident or incidents giving rise to this suit; and the Court having been apprised of the substitution of the United States of America for this individual as a defendant for Count I of the first amended complaint, pursuant to the Federal Employees Liability Reform and Tort Compensation Act of 1988 § 6, Pub. L. No. 100-694, 102 Stat. 4563 (1988), 28 U.S.C. § 2679(d)(1); it is hereby

ORDERED that pursuant to the provisions of 28 U.S.C. § 2679(b)(1) and § 2679(d)(1), Count I of the first amended complaint is dismissed with respect to individual defendant Michael Suratt on grounds that the exclusive remedy for the claim made in Count I against a federal

actor is an action against the United States of America, and because the United States has been substituted for Michael Suratt as the defendant in Count I.

It is further ORDERED that the caption of this action shall be amended to reflect the substitution of the United States as a defendant in Count I by adding “United States of America” as a defendant.

IT IS SO ORDERED.

Issued this 27th day of April, 2009

s/Marianne O. Battani

MARIANNE O. BATTANI
United States District Judge